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### **REMARKS**

This amendment is intended as a full and complete response to the non-final Office Action dated December 17, 2002. In the Office Action, the Examiner notes that claims 1-46 are pending, of which claims 1-46 stand rejected. By this amendment, claims 42-44 have been amended, claim 41 is cancelled, and claims 1-40, 45, and 46 continue unamended.

In view of both the amendments presented above and the following discussion, the applicant submits that none of the claims now pending in the application are anticipated under the provision of 35 U.S.C. §102. Thus, the applicant believes that all of these claims are now in allowable form.

### **REJECTIONS**

#### **35 U.S.C. §102**

##### **Claims 1-46**

The Examiner has rejected claims 1-46 under 35 U.S.C. §102(e) as being clearly anticipated by Sicher et al. (U.S. Patent No. 6,385,195, issued May 7, 2002, hereinafter "Sicher"). The applicant respectfully traverses the rejections.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984)(citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added). The Sicher reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

##### **A. Claims 1-40**

Independent claim 1 (and similarly independent claim 21) recites:

"A method for accepting streamed media packets sent from a content provider and converting said streamed media packets to a pulse code modulated (PCM) signal stream, said method comprising the steps of:

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receiving, via a first interface, a request for a specified media content available from said content provider;

establishing, responsive to receipt of said request, a session with said content provider to receive said streamed media packets corresponding to said specified media content; and

transcoding said streamed media packets to form a PCM signal stream corresponding to said specified media content." (emphasis added).

The Sicher reference discloses an enhanced interworking function module (E-IWF) that provides the means for a mobile station to interface voice and fax with the Internet. That is, the IWF enables a mobile subscriber to make an IS-136 (digital) voice call to another Internet subscriber or to a landline terminal via an IP based network (e.g., the internet) without going through the PSTN and an extra analog conversion. More specifically, voice signals are encoded in a mobile station into voice frames which are multiplexed in a base station and transmitted to the E-IWF. The E-IWF transcodes the voice frames in a first codex into an isochronous stream of digitized voice samples, such as a pulse code modulator (PCM) signal stream. The isochronous stream is then transcoded into voice over IP service data units (SDU) and then framing the SDU with a transport layer protocol (see Sicher, column 3, lines 17-34).

Nowhere in the Sicher reference is there any teaching of "receiving, via first interface, a request for a specified media content available from the content provider." That is, the applicant's invention, as recited in claim 1, provides that a request from a mobile device user for a specified media content (e.g., MP3) is made to a content provider, which may distribute such specified media content. Upon receipt of such mobile device user request, the content provider establishes a session with the mobile device such that the mobile device user may receive stream media packets corresponding to the specified media content. The stream media packets are then transcoded to form a PCM signal stream corresponding to the specified media content.

The Sicher reference is completely silent regarding a content provider establishing a session with such mobile device and streaming specified media

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content to such mobile device. The Sicher reference merely discloses that an isochronous stream of digitized voice samples from a mobile device may be transformed into voice over IP service data units for transmission to an Internet service provider access network, which provides generalized access to the Internet backbone and supports tunneling indirectly to those channels, illustratively corporate Internets (see Sicher, column 7, lines 7-18). Therefore, the Sicher reference fails to teach each and every element of the claimed invention, as arranged in the claim, since the Sicher reference fails to teach "establishing responsive to receipt of said request, a session with said content provider to receive said stream media packets corresponding to said specified media content."

As such, the applicant submits that independent claim 1 is not anticipated and fully satisfies the requirements under 35 U.S.C. §102 and is patentable thereunder. Likewise, independent claim 21 recites similar limitations as recited in independent claim 1. As such, and at least for the same reasons as discussed above, the applicant submits that independent claim 21 is not anticipated and fully satisfies the requirements under 35 U.S.C. §102 and is patentable thereunder. Furthermore, claims 2-20, 22-40, 45 and 46 respectfully depend, either directly or indirectly, from independent claims 1 and 21 and recite additional features thereof. As such and at least for the same reasons as discussed above, the applicant submits that these dependent claims are also not anticipated and fully satisfies the requirements under 35 U.S.C. §102 and are patentable thereunder. Therefore, the applicant respectfully requests that the rejection be withdrawn.

B. Claims 41-44

The applicants have cancelled claim 41 and have amended claim 44 to recite the limitations in independent form. Furthermore, claims 42 and 43 have been amended to respectfully depend from now independent claim 44. In particular claim 44, as amended, recites:

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"An apparatus for accepting streamed media packets sent from a Internet content provider and converting said streamed media packets to a pulse code modulated (PCM) signal stream, said apparatus comprising:

a circuit-switched line interface for receiving a request for a specified media content available from said Internet content provider;

a service control module coupled with said circuit-switched line interface, said service control module operable to solicit, accept and process said request from a client user over a circuit-switched network;

a session control module coupled to said service control module and coupled to an interface to the Internet, said session control module operable to establish a session with said Internet content provider for the purposes of receiving said streamed media packets from said Internet content provider; and

a media translation module coupled to said interface to the Internet, said media translation device operable to decode said streamed media packets and translate said decoded streamed media packets into said PCM signal stream, wherein said PCM signal stream is cell casted to said plurality of client users." (emphasis added).

The Sicher reference fails to teach or suggest the limitation of "wherein said PCM signal stream is cell casted to said plurality of client users." The Examiner contends that such limitations are taught in the Sicher reference in column 4, line 33 to column 5, line 55 and column 6, line 28 to column 7, line 47. Upon review of such sections of the Sicher reference, as well as the remaining portion of the reference, the applicant has not been able to identify anywhere in this reference where the limitation of said PCM signal stream is cell casted to said plurality of client users. Accordingly, the applicant submits that the Sicher reference is completely silent regarding cell-casting PCM signals to a plurality of client users, and the applicant respectfully requests that the Examiner particularly point out the text describing or teaching such limitations.

The applicant's limitation of cell casting is defined as a mode of multicasting where in the case of live content the MGA 120 is designed to support the multicasting of a single PCM audio signal stream to a plurality of

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users, that is, to one or more client's cell phones without requiring the replication of resources on a per call channel basis for each call connection to each client's cell phone (see applicant's specification, page 14, lines 13-19). The Sicher reference fails to teach or suggest the limitation of the "PCM signal stream is cell casted to said plurality of client users." Thus, the Sicher reference fails to teach each and every element of the claimed invention, as arranged in the claim.

As such, the applicant submits that independent claim 44, as amended, is not anticipated and fully satisfy the requirements under 35 U.S.C. §102 and is patentable thereunder. Furthermore, claims 42 and 43, as amended, depend from Independent claim 44 and recite additional features thereof. As such, and at least for the same reasons as discussed above, the applicant submits that these dependent claims are also not anticipated and fully satisfy the requirements under 35 U.S.C. §102 and are patentable thereunder. Therefore, the applicant respectfully requests that the rejection be withdrawn.

#### CONCLUSION

Thus, the applicant submits that the pending claims are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Steven M. Hertzberg or Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

see transmittal for signature  
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